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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,227	02/28/2002	Hiromichi Ito	501.36148CX2	6332

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EXAMINER

CALLAHAN, PAUL E

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/084,227

Applicant(s)

ITO ET AL.

Examiner

Paul Callahan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-4 and 8-20 is/are rejected.
- 7) ☐ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Claims 2-20 are pending in this application and have been examined.

### ***Response to Arguments***

2. Applicant's arguments filed 9-29-2004 have been fully considered but they are not persuasive.

The applicant argues that the claimed invention may be distinguished from the teachings of Schultz in that the applied reference does not teach an encryption key immediately available for encryption and a decryption key that is only available after a predetermined amount of time. Yet the key of Schultz is made available generally, only after the expiration of a time period.

The Examiner respectfully disagrees with the applicant concerning the immediacy of the encryption key of Schultz. Such is apparently made available immediately when needed upon execution of a program as described in the abstract.

Key management codes are taught in Schultz are at (col. 1 lines 55-66, col. 3 lines 1-5); inherent to the computing device of that system.

Schultz designates a time period in that the reference teaches codes that manage an encryption key for encrypting information and expiration time of secrecy correspondent to said encryption key (col. 1 lines 55-66, col. 3 lines 1-5).

The key management table of Schultz reads on the applicant's predetermined key.

***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 2-20 rejected under 35 U.S.C. 102(a) as being clearly anticipated by Schultz (US 6,157,723).

As for claims 2, 11, 13, 14, 16, and 18 Schultz teaches a recording medium for storing a program that causes an information processing apparatus to manage publicity of a decryption key used for decrypting information when executed (abstract), said program comprising: codes that manage expiration time of secrecy of said decryption key (col. 1 lines 57-61, col. 3 lines 1-5); and codes that make the decryption key available to another apparatus after the disclosure time to permit the another apparatus to decrypt information that has been encrypted with the corresponding encryption key col. 1 lines 55-66).

As for claims 3 and 19, Schultz teaches a recording medium for storing a program according to claim 2, wherein said codes that make said decryption key available allow said decryption key resulting from searching a key managing table to be accessed from another apparatus, said key managing table indicating a relation between said decryption key stored in said key storage and expiration time of secrecy of said decryption key (col. 1 lines 64-66, col. 3 lines 13-25, col. 3 lines 20-25).

As for claim 4, Schultz teaches a recording medium for storing a program according to claim 3, wherein said search is performed based (upon) provided time information (col. 1 lines 57-61, col. 3 lines 1-5).

As for claim 8, Schultz teaches a recording medium for storing program that causes an information processing apparatus to output a decryption key used for decrypting information encrypted with an encryption key that corresponds to said decryption key and has been made available to encrypt the information when executed, said program comprising: codes that acquire current time; codes that output said decryption key with expired secrecy referring to said current time (col. 1 lines 55-66, col. 3 lines 1-5)

As for claim 9, Schultz teaches a recording medium for storing a program according to claim 8, said program further comprising: codes that compare a disclosure time of a decryption key in a key managing table in a key storage and said current time,

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said key managing table storing at least one set of said decryption key and a disclosure time indicating when secrecy of said decryption key expires; and codes that acquire said decryption key having a preset disclosure time indicating when said decryption key becomes available before the current time, if the current time is on or after said disclosing time as the result of said comparing said current time with said disclosing time (col. 1 lines 55-66, col. 3 lines 1-5).

As for claim 10, Schultz teaches a recording medium for storing program according to claim 9, said program further comprising: codes that extract said time information from encrypted data (col. 4 lines 25-30).

As for claim 12, Schultz teaches a recording medium for storing program according to claim 11, wherein said time information includes start time, end time and time interval; said program further comprising: codes that make new expiration time by adding time interval to current expiration time of listed keys; codes that repeat said codes that generates said set of keys and said codes that make said new expiration time (col. 3 line 47 through col. 4 line 30).

As for claims 15 and 20, Schultz teaches a recording medium for storing program according to claim 14, said program further comprising: codes that encrypt/decrypt said data to be encrypted/decrypted by using said received encryption/decryption key to provide the time-limited secrecy to the information (col. 4 lines 25-30).

As for claim 17, Schultz teaches a recording medium for storing program according to claim 16, said program further comprising: codes that pack said encrypted data and said time information into a file (col. 1 lines 64-66, col. 3 lines 13-25).

***Allowable Subject Matter***

6. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

6/25/2005

